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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,697	10/20/2003	Kazuo Kaneko	00862.023288	2836
5514 7590 11/01/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PHAM, LINH K	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,697

Applicant(s)

KANEKO ET AL.

Examiner

Linh K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/20/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication filed on October 20, 2003.
2. Claims 1-26 are pending in this application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19, 20 and 25 are rejected under 35 U.S.C. because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to program that are not tied to a process, machine, manufacture, or composition of matter, which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims considered to be Non-functional Descriptive Material are not statutory even if in combination with a physical medium.

See **MPEP § 2106**

Regarding claims 19, 20, and 25, the phrase "A program" is directed to non-statutory subject matter. Therefore, the claimed subject matter does not belong to any of the four statutory categories set forth above.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, claims recite the limitations:

- "said manipulation procedure" (line 20). There is insufficient antecedent basis for this limitation in the claim, because it is not clear which "manipulation procedure" is being referred to as there are more than one manipulation procedures being recited in prior sentences/paragraphs.
- "lower in order," "lower hierarchy," and "higher hierarchy". There are insufficient antecedents basis for these limitations in the claim.

Dependent claims 3-6 are also rejected by virtue of their dependencies.

For purpose of applying art, the examiner interprets terms recited as following:

- "said manipulation" to mean "the manipulation judged by the judging unit."
- lower hierarchy is a subset of the higher hierarchy.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-6, 7-11, 16, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. ("Jiang", US 20020057678) in view of Kamel et al. ("Kamel", US 6,009,150).

Regarding claim 1, Jiang discloses the information processing apparatus (para. [0066], computer telephony integration/interactive voice response "CTI/IVR") comprising:

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a manipulation procedure database in which manipulation procedures selectable by a user are described hierarchically (paras. [0100]-[0102], and [0116]; user selector provides a single level of choices based on input from the user; para. [0303]; Fig. 21, navigation 2108 and presentation services 2110); but does not explicitly judging unit which judges a manipulation procedure selected by the user; first voice output unit which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged by said judging unit exists, outputs voice information on said manipulation procedure of the lower hierarchy; transition unit with which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged by said judging unit does not exist, a manipulation transitions to a manipulation procedure of a top hierarchy which is different from a manipulation procedure of a top hierarchy of said manipulation procedure; and second voice output unit which outputs voice information on said manipulation procedure of the top hierarchy to which the manipulation has transitioned.

However, in an analogous art, Kamel discloses judging unit which judges a manipulation procedure selected by the user (col.4. lines 29-56; Figs. 2A-2B, step 204, the system plays a greeting script);

first voice output unit which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged by said judging unit exists (col. 4:5, lines 61-66:23-54; Fig. 2A-2B, steps 208, 222, 228, step 208 and step 222 the system checks if the PIN is valid, then step 228 the system plays a script prompt the user to enter the destination telephone number with which the user desires

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to connect), outputs voice information on said manipulation procedure of the lower hierarchy (col. 5, lines 20-30, Figs. 2A-2B, step 228 the system plays a script prompting the user to next step);

transition unit with which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged by said judging unit does not exist (col. 4, lines 56-65; Fig. 2A, step 208 the system checks to see if the PIN is determined to be invalid), a manipulation transitions to a manipulation procedure of a top hierarchy which is different from a manipulation procedure of a top hierarchy of said manipulation procedure (cols. 4:5, lines 56-67:1-4; Fig. 2A, step 214, the system plays a script prompt the user to reenter the PIN and then the process repeats to step 206); and

second voice output unit which outputs voice information on said manipulation procedure of the top hierarchy to which the manipulation has transitioned (col. 4:5, lines 66-67:14-65; Fig. 2A, the system plays script prompt at step 214 will return step 206 wherein the user enter the PIN and the process repeat to itself).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Kamel with Jiang's manipulation procedure in order to provide users with a means to enhance convenience for the user's navigation of the voice system.

Regarding claim 2, Kamel discloses the information processing apparatus, further comprising re-selection unit which, in a hierarchy in which the user has selected a manipulation procedure, re-selects a manipulation procedure in the hierarchy (cols.

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4:5, lines 56-67:1-4; Fig. 2A, step 214, the system plays a script prompt the user to reenter the PIN at the step 206).

Regarding claim 3, Jiang further discloses the information processing apparatus, further comprising default setting unit which, in the case in which the manipulation transitions to a higher hierarchy without selecting any manipulation procedure in a predetermined hierarchy, sets a default manipulation procedure in the predetermined hierarchy (paras. [0162]-[0167], document root directory, Install type, Language for the prompts, voice talent, input mode, and audio Playback skip interval are the default terms is predetermined).

Regarding claim 4, Kamel further discloses the information processing apparatus according to claim 1, further comprising voice re-output unit which, during voice output of voice information on said manipulation procedure, outputs voice again from voice information on a manipulation procedure immediately before said manipulation procedure for which voice information is being outputted presently (col. 5, lines 20-67; Fig. 2A, step 214 describes voice output again. This request user enter PIN# again at step 206; Fig. 2B, step 238 will be come back step 230 for a caller enters numbers again).

Regarding claim 5, Kamel further discloses the information processing apparatus, further comprising state transition unit which, during voice output of voice information on said manipulation procedure, stops the voice output of the voice information to return said manipulation procedure to a state immediately before the

voice output (Fig. 2A, system 214 is stop playing voice command then the system will be backward the step 206).

Regarding claim 6, Jiang further discloses the information processing apparatus according to claim 1, wherein, in the case in which an instruction to transition to a higher hierarchy is issued during voice output of voice information on said manipulation procedure, the information processing apparatus stops the voice output of the voice information and sets a default manipulation procedure to transition to the higher hierarchy (Pars. [0162]-[0167], Document root directory, Install type, Language for the prompts, voice talent, input mode, and audio Playback skip interval are the default terms is predetermined).

Claim 7 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Regarding claim 8, Kamel further discloses the information processing apparatus, wherein, in the case in which a default manipulation procedure is selected in a top hierarchy, said default setting unit sets manipulation procedures in all hierarchies to the default manipulation procedure (Fig. 2B, the system will play script for the user should contact with customer service or disconnect call (steps 218). Step 218 known as default step).

Regarding claim 9, Jiang further discloses the step the information processing apparatus further comprising deciding unit which decides said manipulation procedure, wherein, in the case in which said manipulation procedure is decided without outputting

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voice information on said manipulation procedure in a predetermined hierarchy, said default setting unit sets a default manipulation procedure in the hierarchy (Paras. [0162]-[0167], Document root directory, Install type, Language for the prompts, voice talent, input mode, and audio Playback skip interval are the default terms is predetermined), and

Kamel discloses the transition unit returns the hierarchy to a hierarchy immediately higher in order than the hierarchy (Fig. 2B, col. 6, lines 7-13, step 238, if a user entered wrong the destination phone number, the process will return to step 230 for being reentered the destination phone number).

Regarding claim 10, Kamel discloses the information processing apparatus wherein, in the case in which an instruction to transition to a different hierarchy is issued during output of voice information on a manipulation procedure in a predetermined hierarchy, said voice output unit skips said manipulation procedure, for which voice is being outputted presently, and outputs voice information on a manipulation procedure of the different hierarchy as voice (Figs. 2B-2C, step 228 and step 240 have difference message to a user, they are different level) and, in the case in which an instruction to return to a preceding manipulation procedure is issued during output of voice information on said manipulation procedure in the predetermined hierarchy (col. 6, lines 7-13; Fig. 2B, step 238 will play script and automatically turn back to step 228), said voice output unit outputs voice again from voice information on a manipulation procedure immediately preceding said manipulation procedure for which voice is being

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outputted presently (col. 6, lines 7-13; Fig. 2B, step 238 will play script and automatically turn back to step 228, at step 228 will play script to tell a user "please enter you destination number").

Regarding claim 11, Jiang disclose the information processing apparatus, wherein voice information on said manipulation procedure is a manipulation procedure name selectable by the user (Fig. 13B shows a manipulation procedure number selectable by user).

Regarding claim 16, Kamel discloses the information processing apparatus according to claim 1, wherein voice information on said manipulation procedure in a predetermined hierarchy is outputted repeatedly as voice until selection of said manipulation procedure and transition of a hierarchy is performed (Figs. 2A- 2D shows the transition of a hierarchy is perform between steps 222 and 228, 218 and 240, 232 and 242, and 264 and 266).

Claim 17 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Regarding claim 18, Jiang discloses the information processing method in an information processing apparatus which is connectable to a manipulation procedure database in which manipulation procedures selectable by a user are described hierarchically (paras. [0100]-[0102], and [0116]; user selector provides a single level of choices based on input from the user; para. [0303]; Fig. 21, navigation 2108 and presentation services 2110).

Kamel disclose the information processing method of a voice output step of outputting information on a manipulation procedure selectable by the user as voice (Figs. 2A-2B, steps 204, 214, 222, 224, 228, 238, and 240 are voice commands; these systems play voice outputting information);

a judgment step of judging a manipulation procedure selected by the user while said voice output unit is outputting voice (col.4. lines 29-56, Figs. 2A-2B; Step 204, the system plays a greeting script);

a transition step with which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged in the judgment step exists (col. 4:5, lines 61-66:23-54; Fig. 2A-2B, steps 208, 222, 228, step 208 and step 222 the system checks if the PIN is valid, then step 228 the system plays a script prompt the user to enter the destination telephone number with which the user desires to connect), a manipulation transitions to the lower hierarchy (col. 5, lines 20-30, Figs. 2A-2B; Step 228 the system plays a script prompting the user to next step); and

a default setting step of setting a default manipulation procedure in a predetermined hierarchy (Fig. 2B, the system will play script for the user should contact with customer service or disconnect call (steps 218). Step 218 known as default step).

Claim 19 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 18, and is therefore rejected under similar rationale.

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Regarding claim 21, Jiang disclose the computer readable recording medium having stored therein the program according to claim 19 (para. [0429], computer readable media).

Regarding claim 22, Jiang discloses the computer readable recording medium having stored therein the program according to claim 20 (para. [0429], computer readable media).

Regarding claim 23, Jiang discloses the information processing apparatus (para. [0066], computer telephony integration/interactive voice response "CTI/IVR") comprising:

a database in which manipulation procedures selectable by a user are described hierarchically (paras. [0100]-[0102], and [0116]; user selector provides a single level of choices based on input from the user; para. [0303]; Fig. 21, navigation 2108 and presentation services 2110), but does not explicitly the information processing comprising judging unit which judges a manipulation procedure selected by the user from said database voice output unit which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged by said judging unit exists, outputs voice information on said manipulation procedure of the lower hierarchy.

However, in an analogous art, Kamel discloses the information processing comprising judging unit which judges a manipulation procedure selected by the user

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from said database (col.4. lines 29-56, Figs. 2A-2B; Step 204, the system plays a greeting script); and

voice output unit which, in the case in which a manipulation procedure of a hierarchy lower in order than said manipulation procedure judged by said judging unit exists (col. 4:5, lines 61-66:23-54; Fig. 2A-2B; steps 208, 222, 228, step 208 and step 222 the system checks if the PIN is valid, then step 228 the system plays a script prompt the user to enter the destination telephone number with which the user desires to connect), outputs voice information on said manipulation procedure of the lower hierarchy (col. 5, lines 20-30, Figs. 2A-2B; Step 228 the system plays a script prompting the user to next step).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Kamel with jiang's the manipulation procedure in order to provide users with a means to convenience for the user's navigation of the voice system.

Claims 24 and 25 are similar in scope to claims 23, and are therefore rejected under similar rationale.

Regarding claim 26, Jiang discloses the computer readable recording medium having stored therein the program according to claim 25 (para. [0429], computer readable media).

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9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. ("Jiang", US 20020057678) in view of Kamel et al. ("Kamel", US 6,009,150); further in view of Tanaka, US 20050250530 .

Regarding claim 12, Jiang and Kamel teach all claim limitation as recited in claim 1, but does not explicitly disclose the steps of the information processing indicating a plurality of buttons which are associated with different manipulation procedures, respectively, and correspond to a plurality of fingers of the user; a reception unit which receives information on which of said plurality of buttons is depressed by the user, wherein said judging unit judges a manipulation procedure corresponding to the depressed button for which information is received by said reception unit.

However, in an analogous art, Tanaka discloses the information processing further comprising: a plurality of buttons which are associated with different manipulation procedures, respectively, and correspond to a plurality of fingers of the user (paras [0037:0038], the function of fingers in which each finger of the ten fingers differentiates a plurality of keys); and

a reception unit which receives information on which of said plurality of buttons is depressed by the user, wherein said judging unit judges a manipulation procedure corresponding to the depressed button for which information is received by said reception unit (paras. [0037:0038], the function of fingers in which each finger of the ten fingers differentiates a plurality of keys to press the key).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Tanaka with the method of Jiang and Kamel in order to provide users with a means to increase significance of a plurality of buttons and increase convenience for users when using their fingers to press the buttons.

Regarding claim 13, Tanaka discloses the information processing apparatus according to claim 12, wherein said plurality of buttons can be operated with positions of the plurality of fingers fixed, respectively (para. [0038], the function of finger in which each finger of the ten fingers differentiates a plural of keys).

Regarding claim 14, Tanaka teaches all limitation as recited in claim 12, wherein said plurality of buttons are allocated to a part of a ten key (para. [0008]; Fig. 3, paras. [0142]-[0143], the keys 31, 32, 33, and 34 known as the buttons).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. ("Jiang", US 20020057678) in view of Kamel et al. ("Kamel", US 6,009,150) and further in view of Egtesadi et al. ("Egtesadi", US 6,243,682) .

Regarding claim 15, Jiang and Kamel disclose the information processing apparatus according to claim 1, but do not explicitly the step of the information processing apparatus for a copying machine and said manipulation procedure is a setting function for a copying manipulation selectable by the user in the copying machine.

However, Eghtesadi disclose the information processing apparatus according to wherein said predetermined processing apparatus is a copying machine (col. 2, lines 24-64; Fig. 1, photocopier machine 18 known as copying machine) and said manipulation procedure is a setting function for a copying manipulation selectable by the user in the copying machine (cols. 1:2, lines 31-67:1-6, a plurality of commands will be executed by user and a user can access by voice command any function from any screen; cols. 2:3, lines 24-67:1-4; Fig. 1).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Eghtesadi with the method of Jiang and Kamel in order to provide users with a means to increase convenience for a user to access into the voice command system of copy machine.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh K. Pham whose telephone number is (571) 270-3230. The examiner can normally be reached on Monday to Friday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Sy D. Luu/
Sy D. Luu
Primary Examiner

October 15, 2007
LP